

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELLY WHALEN,  
Plaintiff,

v.

FACEBOOK, INC.,  
Defendant.

Case No. 20-cv-06361 NC

**ORDER TO SHOW CAUSE WHY  
CASE SHOULD NOT BE  
TRANSFERRED TO THE SAN  
FRANCISCO/OAKLAND DIVISION  
OF THIS COURT**

Re: ECF 1

Defendant Facebook removed this case from San Mateo County Superior Court to this federal court on September 9. ECF 1. The Removal Notice and Civil Cover Sheet (ECF 1-2) both requested assignment of the case to the San Jose Division of the Northern District of California. The case was thus assigned to the San Jose Division as requested by Facebook.

Facebook is ordered to show cause why the case should not be reassigned to a judge in the San Francisco/Oakland Division of this court. Under 28 U.S.C. § 1441(a), removal of civil actions from state court is “to the district court of the United States for the district and division embracing the place where such action is pending.” Furthermore, under Northern District of California Civil Local Rule 3-2(d), civil actions arising in San Mateo County shall be assigned to the San Francisco or Oakland Division. Here, Facebook

1 asserts that it is headquartered in Menlo Park, which is in San Mateo County. ECF 1 ¶ 8.  
2 (The Court takes notice that Facebook used to be headquartered on the southern side of  
3 San Francisquito Creek, in Santa Clara County, but moved). Plaintiff Kelly Whalen is  
4 alleged to reside in Illinois. ECF 1-1 ¶ 9.

5 Facebook therefore must show cause in writing by September 18 why this case  
6 should not be transferred to the San Francisco or Oakland Division because those  
7 Divisions embrace San Mateo County under § 1441(a) and Local Rule 3-2. If plaintiff  
8 Whalen would like to comment on this divisional assignment issue, she may file a  
9 response by September 25.

10 **IT IS SO ORDERED.**

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12 Dated: September 11, 2020

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15 NATHANAEL M. COUSINS  
16 United States Magistrate Judge  
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